

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

CHRISTIAAN H. HIGHSMITH (CABN 296282)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7368
FAX: (415) 436-7234
christiaan.highsmith@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3-21-71156-MAG
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER TO
)	EXCLUDE TIME UNDER THE SPEEDY TRIAL
v.)	ACT AND FED. R. CRIM. P. 5.1
)	
JULI MAZI,)	
)	
Defendant.)	

Defendant Juli Mazi made initial appearances in this case on July 15, 2021. Defendant Mazi was released on pretrial services supervision, \$100,000 bond, and release conditions. The Court ordered that Defendant Mazi's preliminary hearing be held on August 5, 2021, at 10:30 a.m. At the parties' request, the Court previously continued the preliminary hearing twice and excluded time under the Speedy Trial Act from August 5, 2021 through October 1, 2021.

The parties have met and conferred and request that this matter be continued from October 1, 2021 to November 5, 2021. Counsel for Defendant Mazi and counsel for the United States stipulate that time be excluded under the Speedy Trial Act from October 1, 2021, through November 5, 2021.

Defendant Mazi also waives through November 5, 2021: (1) the time for a preliminary hearing on the

STIPULATION AND [PROPOSED] ORDER TO EXCLUDE TIME

Complaint under Rule 5.1 of the Federal Rules of Criminal Procedure, and (2) the time in which the government is required to file an information or indictment under 18 U.S.C. § 3161(b).

The parties stipulate and agree that the exclusion of time is appropriate under the circumstances—including the current pandemic and shelter-in-place orders—in order to give the parties an opportunity to negotiate the possibility of a pre-indictment resolution, to give defense counsel time to review discovery, which the government represents involves, among other items, thousands of pages of patient medical and billing records, reports of investigation, and recordings of recorded conversations, and to give the government additional time to return and file an indictment or information. *See* 18 U.S.C. §§ 3161(b), 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii), and 3161(h)(7)(B)(iv); *see also United States v. Pete*, 525 F.3d 844, 852-53 (9th Cir. 2008) (“the STA makes no distinction regarding the applicability of the exclusions under § 3161(h)(1) to the pre-indictment period (governed by § 3161(b)) and the pretrial period (governed by §§ 3161(c) and (e)).”); *United States v. Murray*, 771 F.2d 1324, 1328 (9th Cir. 1985) (“In cases of relative complexity, with multiple defendants and ongoing investigations such as here, it may be quite unreasonable to expect the preparation and return of an indictment within thirty days.... In the case at bar, efficiency and economy were definitely served by the sixty day extension.”).

The parties further stipulate and agree that the ends of justice served by excluding time from October 1, 2021, through November 5, 2021, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A) & (B)(ii)-(iv).

SO STIPULATED

Dated: September 24, 2021

/s/
CHRISTIAAN H. HIGHSMITH
Assistant United States Attorney

Dated: September 24, 2021

/s/
PHILIP A. SCHNAYERSON
Counsel for Defendant Juli Mazzi

STIPULATION AND [PROPOSED] ORDER TO EXCLUDE TIME

[PROPOSED] ORDER

Pursuant to the stipulation of the parties, the preliminary hearing currently set for October 1, 2021, is HEREBY CONTINUED to November 5, 2021.

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that failing to exclude the time from October 1, 2021, through and including November 5, 2021, would unreasonably deny defense counsel and Defendant Mazi the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court also finds that excluding the time from October 1, 2021, through and including November 5, 2021, is appropriate in light of the complexity of the case, and the amount of time necessary to return and file an indictment under the circumstances, including the current pandemic, within the time specified by 18 U.S.C. § 3161(b). *See* 18 U.S.C. §§ 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii); *see also United States v. Pete*, 525 F.3d 844, 852-53 (9th Cir. 2008) (“the STA makes no distinction regarding the applicability of the exclusions under § 3161(h)(1) to the pre-indictment period (governed by § 3161(b)) and the pretrial period (governed by §§ 3161(c) and (e)).”); *United States v. Murray*, 771 F.2d 1324, 1328 (9th Cir. 1985) (“In cases of relative complexity, with multiple defendants and ongoing investigations such as here, it may be quite unreasonable to expect the preparation and return of an indictment within thirty days.... In the case at bar, efficiency and economy were definitely served by the sixty day extension.”).

The Court further finds that the ends of justice served by excluding the time from October 1, 2021, through and including November 5, 2021, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial.

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from October 1, 2021, through and including November 5, 2021, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A), (B)(ii)-(iv). The Court also orders that the time for a preliminary hearing be extended under Rule 5.1

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STIPULATION AND [PROPOSED] ORDER TO EXCLUDE TIME

1 of the Federal Rules of Criminal Procedure and the time within which to conduct a preliminary hearing
2 is waived with the consent of the Defendant through November 5, 2021.

3 IT IS SO ORDERED.

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6 Dated: _____

HON. SALLIE KIM
United States Magistrate Judge

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